

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

ARDEN G. CARKAUFF

Plaintiff(s)

vs.

KENNETH G. WILLIAMS AND
WILLIAMS BROTHERS TRUCKING, INC.

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2015-CP-15-1266

Submitted By: T. MICAH LEDOY

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NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

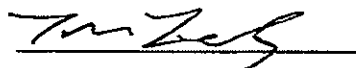
*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Fraud/Bad Faith (150)
<input type="checkbox"/> Failure to Deliver/Warranty (160)
<input type="checkbox"/> Employment Discrim (170)
<input type="checkbox"/> Employment (180)
<input type="checkbox"/> Other (199) | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
20 -NI-
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) | Torts - Personal Injury
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Assault/Battery (370)
<input type="checkbox"/> Slander/Libel (380)
<input type="checkbox"/> Other (399) | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) |
| Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) | Administrative Law/Relief
<input type="checkbox"/> Reinstate Drv. License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture-Consent Order (850)
<input type="checkbox"/> Other (899) | Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)
<input type="checkbox"/> Confession of Judgment (770)
<input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)
<input type="checkbox"/> Other (799) | Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Public Service Comm. (990)
<input type="checkbox"/> Employment Security Comm (991)
<input type="checkbox"/> Other (999) |
| Special/Complex /Other
<input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb. (610)
<input type="checkbox"/> Medical (620)
<input type="checkbox"/> Other (699)
<input type="checkbox"/> Sexual Predator (510) | <input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Unfair Trade Practices (640)
<input type="checkbox"/> Out-of State Depositions (650)
<input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)
<input type="checkbox"/> Pre-Suit Discovery (670) | | |

Submitting Party Signature:



Date: 11/13/15

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA,)
COUNTY OF COLLETON)
Arden G. Carkhuff)
Plaintiff,)
vs.)
Kenneth G. Singleton)
and)
Williams Brothers Trucking, Inc.)
Defendant.)

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. 2015-CP-15- 1266

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Columbia, South Carolina

Dated: November 11, 2015


Plaintiff/Attorney for Plaintiff

Address: T. Micah Leddy
Leddy Law Firm, LLC
2008 Lincoln Street
Columbia, SC 29201
(803) 779-9966
(803) 753-0837 (fax)
micah@leddyllaw.com

2015 NOV 13 AM 11:22
CLERK OF COURT
COLLETON COUNTY
COMMON PLEAS

SCCA 401 (5/02)

STATE OF SOUTH CAROLINA)

COUNTY OF COLLETON)

Arden G. Carkhuff,)

Plaintiff,)

vs.)

Kenneth G. Singleton)

and)

Williams Brothers Trucking, Inc.,)

Defendants.)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 Civil Action No. 2015-CP- 15 - 1266

COMPLAINT**(JURY TRIAL DEMANDED)**

2015 NOV 13 AM 11:22
 PAINTED
 COLLETON COUNTY
 COMMON PLEAS

The Plaintiff, Arden G. Carkhuff, by and through her undersigned counsel, hereby makes
 the following claims and allegations:

JURISDICTION:

1. That the Plaintiff is a citizen and resident of the County of St. Mary's, State of Maryland.
2. That the Plaintiff is informed and believes that the Defendant, Kenneth G. Singleton, is a citizen and resident of the County of Colleton, State of South Carolina.
3. That the Plaintiff is informed and believes that the Defendant, Williams Brothers Trucking, Inc. is a foreign corporation organized under the laws of the State of Georgia, with its principal place of business located in Hazelhurst, Georgia, that regularly conducts business within the State of South Carolina. Plaintiff is informed and believes that this Court has jurisdiction pursuant to §15-5-150 South Carolina Code of Laws Annotated [Law. Co-op. 1976].
4. That venue is properly laid in this Court pursuant to §15-7-30 South Carolina Code of Laws Annotated [Law. Co-op. 1976].

FACTS:

5. That on or about August 15, 2013, the Plaintiff, Arden G. Carkhuff, was the operator of a 1997 Volvo sedan.
6. That on or about August 15, 2013, the Defendant, Kenneth G. Singleton ("Singleton"), was the operator of a 2011 Chevrolet Pickup truck owned by Defendant Williams Brothers Trucking, Inc ("WBT").
7. That at all relevant times Defendant Singleton was an employee of Defendant WBT and was operating the aforementioned pickup truck within the scope of his duties of employment.
8. That at all relevant times Interstate 95 was a public road.
9. That on or about August 15, 2013, the Plaintiff was stopped for traffic in the inside lane traveling southbound on Interstate 95. Defendant Singleton, who was also traveling southbound in the inside lane on Interstate 95, while in the scope of his employment with Defendant WBT was driving a pickup truck owned by Defendant WBT and was traveling too fast for traffic conditions. Defendant Singleton failed to stop in time and struck the Plaintiff's vehicle in the rear, causing a violent collision and pushing the Plaintiff's vehicle into the vehicle in front of her which proximately caused the injuries and damages as hereinafter set out.

**FOR A FIRST CAUSE OF ACTION
NEGLIGENCE AGAINST DEFENDANTS**

10. That the Plaintiff re-alleges the above paragraphs by reference as if recounted at length herein.

11. That Defendant Singleton's actions, and failures to act, amount to negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct in the following particulars, to-wit:

- a. Failing to exercise the degree of caution a reasonable or prudent person would have used under the circumstances then and there existing;
- b. Failing to keep a proper lookout;
- c. Failure to yield
- d. Failure to maintain proper control;
- e. Failure to maintain adequate brakes on the vehicle he was driving, or, if the vehicle had adequate brakes, failing to apply the same;
- f. Failing to warn the Plaintiff of the impending danger;
- g. Violating State rules, regulations, and laws.

12. That as a direct and proximate result of Defendant's negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct, the Plaintiff has suffered injuries and damages as hereinafter set out.

13. That Plaintiff is informed and believes that Defendant WBT is vicariously liable for the damages caused by Defendant Singleton under the doctrine of *respondeat superior*, and that the Defendants are jointly and severally liable for all damages.

DAMAGES:

14. That as a direct and proximate result of the above set out acts and omissions of the Defendant, the plaintiff was damaged in the following particulars:

- a. Actual and Consequential damages resulting from Personal Injury to the Plaintiff's neck, back, and other parts of her body, to-wit:

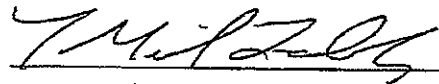
- i. Disability, past and future;
- ii. Pain and suffering, past and future;
- iii. Stress, anguish, and anxiety, past and future;
- iv. Medical costs, past and future;

15. That in addition, the Plaintiff is informed and believes that she is entitled to an award of punitive damages in an amount to be determined by a jury.

16. That Plaintiff is informed and believes that Defendant WBT is vicariously liable for the damages caused by Defendant Singleton under the doctrine of *respondeat superior*, and that the Defendants are jointly and severally liable for all damages.

WHEREFORE, the Plaintiff prays judgment for actual, consequential, and punitive damages against the Defendants in an amount to be determined by a jury.

LEDDY LAW FIRM, LLC



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Columbia, SC 29201
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(803) 753-0837 (fax)
micah@leddyfirm.com

This 11 day of November, 2015

Columbia, South Carolina